

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 15, 1991

ALL-COUNTY INFORMATION NOTICE NO. I-26-91

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY COUNSEL
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
ALL DSS ADOPTIONS DISTRICT OFFICES

SUBJECT: ASSEMBLY BILL NO. 548 (CHAPTER 1581, STATUTES OF 1990)

The purpose of this All-County Information Notice is to provide a summary of Assembly Bill 548 (Chapter 1581, Statutes of 1990). This new law affects priorities for placement in both the foster care program and adoptions program.

Assembly Bill 548, Chapter 1581, Statutes of 1990 amended Civil Code Sections 275 and 276 (to be renumbered effective 7/1/91 to Sections 222.35 - 222.38) to include the following information.

Foster Care

Geographic location must be considered when placing a foster child in order to facilitate visitation for family reunification. Placement preferences shall be in the order as follows except where application of these priorities would not be in the child's best interest:

- 1) In the home of a relative, if possible. Diligent efforts shall be made to locate an appropriate relative. Prior to a long-term foster care placement, all relatives named as possible caretakers must be evaluated as an appropriate placement resource.
- 2) In the home of foster parents with the same racial or ethnic background as the child if after 30 days from the establishment of dependency in juvenile court a relative cannot be located, or if placement with relatives is not in the child's best interest.
- 3) In the home of foster parents with a different racial background or ethnic identification where there is evidence of sensitivity to the child's race, ethnicity, and culture if a relative or family with similar background cannot be located.

These rules for foster care placement priorities may be waived based on a request from the child's parents, extraordinary physical or emotional needs of the child, or the unavailability of suitable foster parents after a diligent search has been completed.

Public and private agencies are encouraged to maintain records which include information on the search completed to find families that meet the preference criteria.

Preference criteria do not apply to children placed for less than 30 days. Minors over the age of 10 years may make a statement to the court on a placement decision although the court may disregard any preferences expressed by the minor.

Adoption

The following placement preferences apply whenever a child has been relinquished for adoption or has been declared free from the custody and control of his parents.

- 1) In the home of a relative.
- 2) In the home of an adoptive family with the same racial or ethnic background as the child if a relative is not available, or if placement with available relatives is not in the child's best interest.
- 3) In the home of an adoptive family with a different racial background or ethnic identification where there is evidence of sensitivity to the child's race, ethnicity, and culture. This preference applies when the child cannot be placed in the home of a relative or with an adoptive family with the same racial or ethnic background within 90 days from the date the child is relinquished or declared free from parental custody and control.


A determination of good cause not to follow the priorities for adoptive placement may be based on the request of the parent(s), extraordinary physical or emotional needs of the child, unavailability of suitable parents after a diligent search for a period of 90 days has been completed, or the best interests of the child would not be served by application of the priorities.

Public and private adoption agencies shall maintain records to show that a diligent search has been conducted to locate families that meet the priority placement criteria.

This information notice presents only a summary of AB 548. For further detail, please refer to the relevant statutes.

The California Code of Regulations, Division 30, Sections 30-336.2 and 30-436.2 and Title 22, Division 2, Chapter 3, Sections 35201 and 35203 will be amended to reflect these changes.

If you have any questions or concerns regarding foster care placement priorities, please contact your Child Welfare Services Operations consultant at (916) 445-0623. If you have any questions regarding adoption placement priorities, please contact Sandy Richmond at (916) 324-6960.



LOREN D. SUTER
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County Welfare Directors' Association